

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHRISTOPHER KNOX, )  
Plaintiff, )  
vs. )  
CIVIL NO. 07-cv-508-WDS  
MARVIN POWERS, *et al.*, )  
Defendants. )

**MEMORANDUM AND ORDER**

**STIEHL, District Judge:**

This matter is before the Court on Plaintiff's motion for a default judgment (Doc. 5).

Plaintiff's complaint is currently under review pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A. Plaintiff's complaint concerns the conditions of his confinement (denial of medical care) at Tamms Correctional Center. Although Plaintiff alleges that he served a copy of the complaint upon the defendant, the service certificate attached to the complaint (Doc. 1) indicates only that the complaint was mailed to the Clerk of this Court. Moreover, Rule 4(c)(2) of the Federal Rules of Civil Procedure requires that service be made by a person who is not a party to this action. Therefore, Plaintiff cannot effect service of the complaint by himself. This Court has not directed that the U.S. Marshal serve the defendants pursuant to Rule 4(c)(3) of the Federal Rules of Civil Procedure. Finally, 42 U.S.C.. §§ 1997e(g)(1) and (2) provide that even a defendant who has been properly served with a prisoner complaint may waive the reply to any action brought by the prisoner unless and until directed by the Court. This Court has not directed that the defendant reply to this action. Accordingly, Plaintiff 's motion for a default judgment (Doc. 5) is **DENIED**.

**IT IS SO ORDERED.**

**DATED: March 6, 2008.**

**s/ WILLIAM D. STIEHL  
DISTRICT JUDGE**